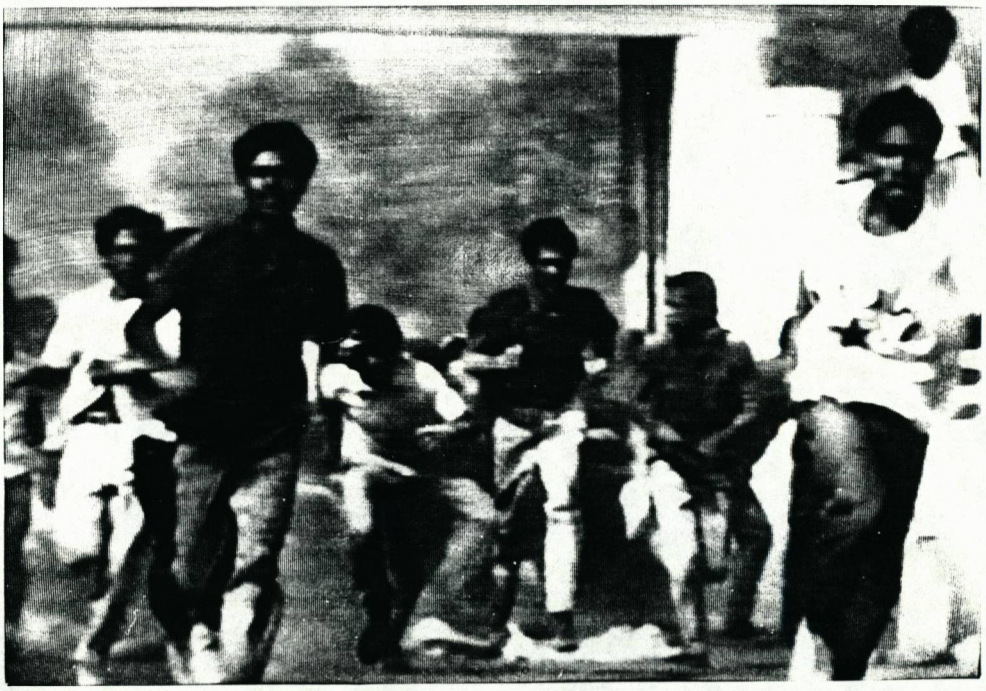
TL1562

# EAST TIMOR



## "We are living in a prison"

**(Bishop Ximenes Belo)**

*a paz é possível*

*em* **timor-leste**

Peace is Possible in East Timor
Ecumenical Association
Rua de Campolide, 215-4D
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**SUMMARY**

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# Resolution 1993/97 concerning East Timor
## 49th Session of the United Nations Commission on Human Rights
## March 1993

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84, para. 457) following the violent incident of 12 November 1991 in Dili,

Recalling resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned at continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;

2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for these actions;

3. Expresses its concern at the lack of information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;

4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its forty-eighth session;

6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognize the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities be released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in his report (E/CN.4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months, and invites the Secretary-General to consider transmitting the full reports of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. Also welcomes the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations.

68th meeting
11 March 1993

[Adopted by a roll-call vote of 22 to 12, with 15 abstentions. See Chap. XII.]

# "We are living in a prison"

(Bishop Belo, 14.9.93 interview with Ragnar Hedlund)

**Ten years ago East Timor's Catholic Bishop had already said, in a statement to an Australian newspaper, that "The Territory of East Timor is like a prison"** (The Age, 16.7.84).

**On that occasion, Mnsgr. Belo also criticised the Timorese who had joined the armed resistance to fight the occupiers: "the violent methods used by Fretilin are wrong" because they were only increasing the suffering of the Timorese people. "The best way to restore peace and protect the rights of the people is for a ceasefire to be called, the Indonesian military reinforcements, sent to East Timor since August 1983, withdrawn, and negotiations restarted", the Bishop added.**

**"The withdrawal without delay" of Indonesian armed forces, and implementation of the "inalienable right of the East Timorese people to self-determination and independence" had already been called for by the Security Council** (Resolutions 384 and 389), **and the United Nations' General Assembly** (Resolutions passed in 1975 (no.3485), 1976 (no.31/53), 1977 (no.32/34), 1978 (no.33/39), 1979 (no.34/40), 1980 (no.35/27), 1981 (no.36/50), and 1982 (no.37/30)), **calls echoed by the European Parliament, the ACP-EEC Assembly, the WEU Assembly, etc...**

**Indonesia never heeded any of these appeals.**

**In East Timor, the resistance evolved: from the armed resistance new forms of political resistance emerged. Although still the standard-bearer of opposition against foreign domination, the armed resistance today minimises its military actions. It was Xanana Gusmão, Commander of the armed resistance until his arrest, who led the process of change, substituting words of war for proposals for talks sponsored by the UN, on the basis General Assembly Resolution 37/30.**

**But two parties are needed for talks, and the Indonesian Government rejected all such offers.**

**In 1991, before the intended visit by Portuguese MPs to East Timor (which had been proposed by the UN Secretary General), Xanana Gusmão appealed to his compatriots to express their views and urged:**
**"We have had 16 years of occupation, and 8 years of impasse since the UN General Assembly mandated the Secretary General to deal personally with the issue. Eight years of impasse caused by Jakarta's inflexibility; eight years of impasse caused by international complicity. (...) Now it is up to us to cut a way through the present impasse to reach a dynamic stage in the process. We are going to fight so that Timorese are included in the UN sponsored talks".**

**Once again, the response from the Indonesian authorities was violence. In the Santa Cruz cemetery armed forces opened fire on a peaceful demonstration. This massacre, unlike the many others, shocked the world because on that very day the UN Special Rapporteur on Torture and foreign journalists happened to be in Dili!**

**Through its Chairman's Statement in 1992, and a Resolution in 1993, the UN Human Rights Commission (UNHCR) appealed to the Indonesian authorities to implement various measures aimed at improving the human rights situation in East Timor.**

**What was the response to the UNHCR's appeals?**

1. **The families of the young victims of the massacre are still waiting for news, not knowing whether their relatives are alive or dead. The Indonesian Commission of Enquiry has not even supplied the names of the 50 killed and 91 missing, which it acknowledged resulted from the massacre.**
2. **The Indonesian authorities have not made the slightest effort to respond to the UNHCR's dissatisfaction. expressed last year, about the identification and bringing to justice of those responsible for the massacre.**
3. **Far from responding to the UNHCR Chairman's 1992 appeal for the release of all prisoners not involved in acts of violence, and the Resolution passed in 1993 condemning the heavy sentences they had been given, the Indonesian authorities worsened their plight by transferring some of these prisoners to Indonesia, away from their families.**
4. **In spite of the UNHCR appeal concerning the treatment of prisoners, and requesting fair, just and public trials, and respect for their right to proper legal representation, Xanana Gusmão was not allowed to choose his own lawyer, and was punished for writing a letter to the International Commission of Jurists.**
5. **Indonesia has not implemented the recommendations of the Special Rapporteur on Torture, even though it undertook to do so when it accepted the UNHCR Chairman's 1992 Statement. Neither has Indonesia invited back the Special Rapporteurs and Working Groups, as was recommended by the 1993 Resolution.**
6. **While some humanitarian organisations were allowed to enter East Timor and observe parts of Xanana Gusmão's trial, their movements and contacts were under close surveillance, and others, such as Amnesty International, were denied access altogether.**

**In Summary: "The Commission urges the Government of Indonesia to improve the human rights situation in East Timor" - this is what Indonesia undertook to do, when it accepted the UNHCR Chairman's Statement in 1992. Howewer, it did not honour its commitment in 1992, as the Commission's 1993 Resolution shows, nor in 1993 as events have proven, and judging by the following statements of East Timor's Bishop, the only Timorese living in his own country who can express his opinion without fear of falling victim to immediate reprisals:**

- **Question - Has the situation improved since the 12 November 1991 events?**
- **Answer - No it hasn't. As to the people involved in the 12 November demonstration they are still being sought by military authorities, and some are still hiding in villages, seeking refuge.**
- **Question - Are people living in fear?**
- **Answer - Yes they are...**
- **Question - What are they afraid of?**
- **Answer - They are afraid of retaliation by the military authorities, of interrogations, of being tortured and beaten.**
- **Question - I was informed that when international pressure increases on the East Timor issue, the people suffer more...**
- **Answer - Yes that is true, but this pressure is necessary...**

(Interview with Bishop Belo - Ragnar Hedlund)

Peace is Possible in East Timor
Ecumenical Association

# Sub-Commission on Prevention of Discrimination and Protection of Minorities,

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council Resolutions 384 (1975) of 22 December 1975 and 389 (1976) on 22 April 1976,

Recalling the statement agreed by consensus by the Commission on Human Rights at its forty-eighth session (E/1992/22, para 457) and resolution 1993/97 of 11 March 1993 adopted at its forty-ninth session,

Recalling also its resolutions 1992/20 of 27 August 1992, 1990/15 of 24 August 1990, 1989/7 of 31 August 1989, 1987/13 of 2 September 1987, 1984/24 of 29 August 1984, 1983/26 of 6 September 1983, 1982/20 of 8 September 1982, as well as the statement made by the Chairman at its forty-third session on the question of the situation in Eest Timor,

Having examined the note by the Secretary-General (E/CN.4/Sub.2/1993/14),

Noting with satisfaction the recent lifting of restrictions that were imposed on the activities of the International Committee of the Red Cross,

Disturbed by reports of continuing violations of human rights in East Timor, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of the provisions of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949,

1. Expresses its deep concern at reports of continuing violations of human rights in East Timor,

2. Notes with satisfaction the lifting of the restrictions that were imposed upon the activities of the International Committee of the Red Cross and urges the Indonesian authorities to honour fully their commitments to facilitate the implementation of the mandate of the International Committee of the Red Cross,

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statement agreed by the Commission at its forty- eighth session and in resolution 1993/97 of 11 March 1993, adopted at its forty-ninth session,

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence,

5. Decides to consider at its forty-sixth session the situation pertaining to human rights and fundamental freedoms in East Timor, and to this purpose requests the secretariat to transmit to it all available information received.

# UNITED STATES HOUSE MEMBERS PETITION

The following is the text of the letter sent to President Clinton by 101 Members of the U.S. House of Representatives before the APEC Summit Meeting:

Nov. 16, 1993

Dear Mr. President,

For some time, many of us have been deeply concerned over the tragic situation in East Timor, the predominantly Roman Catholic former Portuguese colony which was illegally invaded and annexed by Indonesia in 1975. Our concern was heightened in the wake of the massacre, in full view of Western journalists, of up to 200 unarmed demonstrators by Indonesian security forces at Santa Cruz cemetery in Dili, the capital of East Timor, on Nov. 12, 1991. The fact that supposed leaders of the demonstration received sentences roughly ten times as harsh as the Indonesian security forces charged with carrying out the shooting was a gross inequity. Ongoing Indonesian repression in East Timor, since the Nov. 1991 events, most recently a wave of detentions and abuse in September 1993, has underscored that the human rights situation in East Timor, and the issue of the harrassment of the Catholic Church demand immediate relief.

On the occasion of your meeting with Indonesian President Suharto and other high-level Indonesian officials at the economic summit in Seattle on November 19 and 20, we urge you to make clear American concern over this state of affairs and stress the need for immediate relief of the appalling human rights situation, as well as a longterm solution to the status of East Timor, where at least 100,000 people already had perished from war-related causes well before the Santa Cruz massacre drew world attention. We believe that a lasting resolution of these problems is in the interest of overall US-Indonesian political, economic and business relations.

We commend the fact that you and your Administration have expressed concern over the Timor situation on a number of occasions, and have acted to make Indonesia aware of the U.S. interest in promoting human rights in East Timor. However, recent reports from authoritative sources make it clear that respect for human rights and the position of the Catholic Church, continue to be jeopardized in East Timor. Over 50 people were detained and beaten both before and after two visits of Congressional staff to East Timor in early September. This was part of a territory-wide round-up of young people who were detained to prevent them from meeting with the visiting Congressional staff. Such repression is continuing.

We would note that on Sept. 17, 1993, Indonesia agreed in a United Nations communique to take steps to improve the human rights situation in East Timor. Surely an end to harrassment of the Catholic Church should be a key step in improving human rights condition there. The release of East Timorese political detainees, those being held in connection with the events of November 1991, and other more recent prisoners, would also be gestures of reconciliation that could help facilitate a solution to the Timor tragedy under the auspices of the United Nations pursuant to long-standing U.N. resolutions. All political detainees should have regular access to international humanitarian organizations such as the International Committee of the Red Cross (ICRC) and lawyers amd family members. The use of preventive arrests and detentions should be halted, and abuse of the population in East Timor, as well as Timorese students in Java and Bali, should cease.

International humanitarian organizations, human rights groups, and the news media should have free access to the territory. Relaxation of rigud Indonesian control over the Timorese people and steps promoting increased local autonomy would further encourage the reconciliation process. In addition, we are disturbed about the lack of due process in some trials which can lead to lengthy prison terms, such as the recent case of Xanana Gusmao. We are also concerned about his well-being and the reports of harsh treatment.

Once again, let us emphasize that we recognize the importance of a strong American relationship with Indonesia. It is because we value this relationship so highly that we wish to see an end to the tragic Timor problem which undercuts increased cooperation and enhanced friendship with Indonesia.

Thank you for your attention to our request.

Sincerely,

Tony P. Hall (D-Ohio)
John Edward Porter (R-ILL)
Tom Lantos (D-CAL)
Ron Machtley (R-RI)
David Obey (D-WI)
Neil Abercrombie (D-HI)
George Brown (D-CAL)
Barney Frank (D-MA)
William Hughes (D-NJ)
Harris Fawell (R-ILL)
Benjamin Gilman (R-NY)
Scott Klug (R-WI)
Solomon Ortiz (D-TX)
Fred Upton (R-MI)
Thomas Andrews (D-ME)
Dana Rohrabacher (R-CAL)
Matthew Martinez (D-CAL)
Carrie Meek (D-FL)
Benjamin Cardin (D-MD)
Bruce Vento (D-MN)
Patsy Mink (D-HI)
Louise Slaughter (D-NY)
Michael McNulty (D-NY)
Andrew Jacobs (D-IND)
Thomas Ridge (R-PA)
David Bonior (D-MI)
Donald Payne (D-NJ)
Jose Serrano (D-NY)
Jan Meyers (R-KS)
Robert Torricelli (D-NJ)
Julian Dixon (D-CAL)
Herb Klein (D-NJ)
Thomas Bliley (R-VA)
Steve Gunderson (R-WI)
Christopher Smith (R-NJ)
Edolphus Towns (D-NY)
David Skaggs (D-CO)
Charles Schumer (D-NY)
James Oberstar (D-MN)
Glenn Poshard (D-IL)
Robert Borski (D-PA)
Hamilton Fish, Jr. (R-NY)
Jack Reed (D-RI)
Jim Saxton (R-NJ)
Frank Wolf (R-VA)
John Olver (D-MA)
Sam Coppersmith (D-AZ)
Pat Williams (D-MT)
Bill Richardson (D-NM)
Frank McCloskey (D-IND)
Frank Pallone, Jr. (D-NJ)
Robert Underwood (D-VI)
Cynthia McKinney (D-GA)
Mike Synar (D-OK)
Peter Visclosky (D-IND)
James Bilbray (D-NV)
Don Edwards (D-CAL)
John Conyers, Jr. (D-MI)
Sherwood Boehlert (R-NY)
Bill Emerson (R-MO)
George Miller (D-CAL)
Patricia Schroeder (D-CO)
Christopher Shays (D-CT)
Herbert Bateman (R-VA)
Marcy Kaptur (D-OH)
Craig Washington (D-TX)
George Hochbrueckner (D-NY)
Jolene Unsoeld (D-WA)
Sam Farr (D-CAL)
Douglas "Pete" Peterson (D-FL)
Timothy Penny (D-MN)
H. Martin Lancaster (D-NC)
Mel Reynolds (D-ILL)
Bernard Sanders (D-VT)
Jerry Costello (D-ILL)
Edward Markey (D-MA)
Joseph P. Kennedy, II (D-MA)
Wayne Gilchest (R-MD)
Austin Murphy (D-PA)
Charlie Rose (D-NC)
Ileana Ros-Lehtinen (R-FL)
Nita Lowey (D-NY)
Doug Bereuter (R-KS)
Howard Berman (D-CAL)
Constance Morella (R-MD)
Ronald Dellums (D-CAL)
Peter DeFazio (D-OR)
David Price (D-NC)
Gerald Kleczka (D-WI)
Vic Fazio (D-CAL)
William Coyne (D-PA)
Nancy Pelosi (D-CAL)
John Joseph Moakley (D-MA)
Sam Gejdenson (D-CT)
Thomas Foglietta (D-PA)
David Minge (D-MN)
Tim Johnson (D-SD)
Bart Gordon (D-TN)
Thomas Manton (D-NY)
Henry Gonzalez (D-TX)
Fortney Pete Stark (D-CAL)

Statement on behalf of European Community
and its member States
by Belgium Delegation (Community Presidency)
at the United Nations 48th General Assembly
(14 October 1993)

# EAST TIMOR

The European Community and its member States support the UN Secretary General's endeavours to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor in line with the principles of the UN Charter, with full respect for the legitimate interests and aspirations of the East Timorese. They continue to support a dialogue without preconditions between Portugal and Indonesia under the aegis of the United Nations Secretary General.

The European Community and its member States have consistently urged that the ICRC be allowed unhindered access to Xanana Gusmäo and other political prisoners.

The European Community and its member States express their concern at the reports of continuing human rights violations in East Timor and the importance they attach to a rapid implementation of Resolution 1993/97 adopted by the Commission on Human Rights.

# Bishop Belo's diary of oppression

**A succession of letters from Bishop Belo to a friend outside East Timor catalogues a summer of oppression, and points to the narrow space occupied by a man who is squeezed between the conflicting expectations of Indonesia and the East Timorese.**

### 10 July 1993

'I have met with priests from various parishes... they [the military] are capturing young people for interrogation... but not only for interrogation. The military also give them beatings and apply torture. I was informed that there they have captured more than 70 youths in Lautem and 120 in Baucau. Therefore, you see that the persecution of young people in East Timor does not stop...'

### 6 August 1993

'The Indonesian military continue to kill civilians: on 5 August at about 7.00pm, two village heads of Waigae, Vemasse (area of Baucau) were shot dead by Red Beret Indonesian soldiers. The dead men were Armanso and Vicente. Armanso was killed with three shots and Vicente with seven shots. After having killed the men the Indonesian soldiers buried them in a hidden place. It was only on 7 August that the families were able to get the bodies...'

### 5 September 1993

'The situation is the same. Always the same environment of terror. An example: before the visit of the congressional staff, the Indonesians demonstrated their military power by rigidly patrolling the city of Dili and its surroundings. Some youths who had barely been freed from prison were taken away in five military trucks and spread amongst various military units. On Sundays, the churches of Dili are guarded by well-armed Indonesian troops because they fear demonstrations. What I see is that Indonesia is afraid of the young people, it is afraid of the East Timorese population. As long as there is not a reduction in military forces or reduction of military personnel, this is purely and simply a military occupation and dictatorship...

'The Indonesians have been able to make the faithful afraid to talk with their bishop. On 1-2 September I was in the parishes of Maliana and Bobonaro and the Christians of the village of Saborai were not allowed by the military to participate in the church services. When the Apostolic Nuncio visited Bobonaro on 23 July, the students of the school of agriculture did not come to Church services because the military commander prohibited them and some families to attend mass. So much fear has been created among Christians, that Catholics are now afraid to approach the bishop and priests.

'The young people are constantly under surveillance, they are tense and I believe that one day the whole thing might explode.'

### 8 September 1993

'I would like to tell you a bit about what happened here in my residence in Lecidere on 5 September. The visit of three congressional staff members was planned for this day. Early in the morning the Indonesian military took measures to avert any type of demonstration by the young people. At around 6.00am we celebrated mass on the patio of my residence, because the number of faithful present was very high and the chapel was too small. This mass was attended by a large number of people, because there were many young people. After mass some of them went into hiding in the rooms, bathrooms and kitchen to wait for the right time to demonstrate in front of the congressional staff. There were about 100 young people. During the day more of them arrived. Most of them left after I asked them to do so. However, one group managed to remain hidden in the bathrooms. At 5.00pm I myself escorted them to the door of the residence. The problem was that the house was surrounded by military, police, police informers, altogether about 200 people. After a lot of discussion with the young people I decided to take them personally in a truck and drop them off near their homes. That way there was no demonstration. But when the young people were in front of the door of my residence (about 50 of them) they were filmed by Indonesian intelligence. The next day, 6 September, soldiers captured all these young people and took them to their headquarters; they had not even demonstrated before the congressional staff but were barbarously beaten and tortured.

'Please pray for me, because now I have to confront two sides: Indonesia and the youth (people of East Timor)... The (Indonesian) soldiers continue to accuse me of promoting demonstrations and the young people accuse me of having sold out to Indonesia, because I do not allow them to have a demonstration at my residence...'

### 16 September 1993

'Yesterday I returned from my pastoral visit to Turiscai, Maubisse, Ainaro and Aileu. I went to Turiscai to set up a new parish... In these places I heard many complaints of the population: the people are under constant surveillance. In the region of Alas, Fatuberliu, people may not venture beyond two kilometres from their vegetable gardens; the Indonesians are settling more families from Java as transmigrants in Alas and Natarbora; in all the places I passed through I saw many Indonesian military control posts. At these control points they search everything, including wallets, briefcases, suitcases. On 5 September they beat a young man until he almost died. In Dili at the Komando headquarters in Colmera they continue to torture young people with electric shocks.

'As you see, we are living in an environment of terror and pressure. The Indonesians are saying that they have already withdrawn battalions from East Timor, but this is not true. On the contrary, they are increasing the presence of military units in all places. I would like you to know that the following battalions are in East Timor:

- 'Batalyon Tempur', a combat battalion to fight Fretilin.
- 'Batalyon Territorial': according to the Indonesians, this battalion is dedicated to development. But all it is doing is spying on people and beating them.
- 'Kodim' which consists of those soldiers who are in the counties, administrative centres and villages for military and social services, for control and intelligence-gathering.
- '745' and '744' are special units consisting of Timorese and Indonesians whose task is to penetrate the bush and fight the guerrillas.
- Police who are to be found everywhere.
- Security troops 'Hansip' and 'Ratih'. These consist of East Timorese civilians who are trained to collaborate and be the servants of the military.
- Battalions of commandos, 'Red Berets' know here in East Timor as 'Nanggala'. These are the worst, their task is to spy, capture and torture.

'That is why when the Indonesians say that they have already reduced their troops and withdrawn their fighting battalion 'Batalyon tempur', it is necessary to analyse Indonesian tactics well...

'The Indonesians are now fomenting a campaign against me, saying in all counties of East Timor that I organised the demonstration of 5 September at the time of the visit of the congressional staff (no demonstration even took place then) and that I hid those participating in the demonstration. This is a campaign to discredit me among Catholics in order to keep the faithful away from the churches. This is like a communist regime which needs to be dismantled through increased pressure from Washington.' ■

# "We are living in a prison"

INTERVIEW WITH MONSIGNOR BELO

Full text of the interview granted by Bishop Belo to Ragnar Hedlund.

"Question- What is the most important message you would like to get through regarding East Timor?

Answer- We, the East Timorese people, love peace, freedom and reconciliation. Therefore, we ask the Swedish and the Western Governments to help us in giving back to the East Timorese people an atmosphere of peace, freedom and reconciliation.

Question- How would you describe the present situation in the territory?

Answer- Neither good nor bad, but there is permanent military pressure through vigilance. We do not have freedom of speech or opinion and that is why we live as if we were in prison.

Question- I was informed that when international pressure increases on the East Timor issue, the people suffer more...

Answer- Yes that is true, but this pressure is necessary...

Question- Can you give me some examples of the every day life of an East Timorese opponent?

Answer- Things are very difficult for them. They may not be able to get jobs, their houses are searched, they are hunted at night by elements of the secret services and even if they want to be civil servants they can't. Their children are not allowed to study. This is the fate of opposition leaders.

Question- Has the situation improved since the 12 November 1991 events, in Dili?

Answer- No it hasn't. As to the people involved in the 12 November demonstration they are still being sought by military authorities, and some are still hiding in villages, seeking refuge.

Question- There are many bodies missing since the massacre. What do you think about this?

Answer- My opinion is that many families are still waiting for their childrens' bodies. They come to me and say:"my son is still missing, he hasn't turned up". Maybe the military authorities know where the bodies are, or where they are hidden. You'd better ask them.

Question- As a religious leader, you are in constant contact with the people, do you receive many complaints? Do people feel insecure?

Answer- Every day and everywhere I go. Recently I travelled outside Dili for a few days, and I received complaints in every place I passed through. There is a lot of insecurity. People are not able to move freely in the south of East Timor. In some villages, people cannot go to their rice or coffee fields situated more than two kilometers from their villages.

Question- Are people living in fear?

Answer- Yes they are...

Question- What are they afraid of?

Answer- They are afraid of retaliation of the military authorities, of interrogations, of being tortured and beaten.

Question- In your opinion, what is the solution for the East Timorese problem?

Answer- In my opinion we should get rid of this military organization. People should be left to speak and move freely and a situation of real peace, liberty and democracy should prevail. We don't live in democracy here. We live under a dictatorship.

Question- In a referendum, do you think that the majority of the East Timorese would say "no" to the integration (into Indonesia)?

Answer- It is possible...So, give us a chance to prove it.

Question- What do think it is going to happen in the future in the territory?

Answer- It is very difficult to say... We enjoy the support of most western countries, of your Government, of the United States... But it is very difficult to say what the solution will be and how it will be possible to bring it about.

But I believe that it is necessary to find some kind of a solution because we have been suffering for more than 17 years and this situation cannot go on. This is not humane.

(This interview was granted in Dili on 14 September 1993)

**C.N.R.M.**
National Council of Maubere Resistance
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**TIMORESE USED AS HUMAN SHIELDS BY INDONESIAN MILITARY**

Statement by Jose Ramos-Horta Co-Chairman and Special Representative of the National Council of Maubere Resistance (CNRM)

CNRM denounces the renewed campaign of violence against the East Timorese by the Indonesian Military while the Indonesian Government engages in gestures designed to project a committment to the resolution of the conflict in East Timor, for the consumption of the international community.

The human rights situation in East Timor continues to deteriorate. On December 2 1993, Indonesian 'red berets' arrested three East Timorese, Martinho Maia, Lucas Maia and Gastao Mendonca and tortured them in the Colomera prison in Dili. On October 28 1993, two young East Timorese were executed in Colomera, Dili, by members of the Indonesian intelligence service. The two were identified as Matias da Costa, 24, and Duarte Dias, 22.

We accuse the Indonesian army of the cold-blooded murder of six East Timorese civilians in Baucau in October 1993. The Indonesian military authorities then alleged that East Timorese freedom fighters killed six civilians in a village in the Baucau district. However, evidence now proves that the killings were the work of Indonesian troops belonging to Battalion 301. Those killed were freedom fighters captured and forced to work for the Indonesian military since 1982, who had failed to produce 'results', i.e., to capture or kill their former comrades.

Indonesian army presence in East Timor now stands at more than 10 battalions. Some of these are identified as battalions 512, 515, 611, 502 and 745. In addition, there are others stationed in the towns of Lospalos, Baucau, Vikeke, Same and Ainaro.

East Timorese have been drafted into battalions 741, 744, 745, 'Team Seran', 'Saka', 'Alfa', 'Makikit', 'Samodok', 'Loriko' and 'Sakunar', and forced to march in front of the Indonesian army units as shields against the freedom fighters. This is the re-enactment of a previously and oft used cruel military strategy, which involves the forcible use of thousands of civilians, women and children, to provide a human cover for advancing Indonesian troops. Catholic Church leaders have strongly condemned this practice in the past, which has led to thousands of civilian deaths.

East Timorese political prisoners continue to be denied their basic rights under conditions which breach internationally accepted norms on the treatment of prisoners. CNRM has repeatedly expressed its deep concern about the deplorable treatment given to imprisoned East Timorese Resistance Leader Commander Xanana Gusmao. Indonesian authorities have consistently denied his mistreatment in prison. Xanana has meanwhile been able to inform the outside world, by means of documents in his own handwriting, of the physical and psychological torture he is being subjected to by his captors. As a result he has been confined to isolation. CNRM again denounces and strongly condemns Xanana's illegal imprisonment and his ongoing mistreatment. We protest against the cowardly behaviour of the Indonesian military, who continue to deny the rights of the East Timorese.

Against this background, Indonesian authorities made a small gesture of good will by allowing safe passage out of Indonesia late last month for seven East Timorese students who, in June 1993, had sought asylum at the Finnish and Swedish Embassies in Jakarta. We condemn and will continue to denounce the Indonesian military authorities for imposing a reign of terror in East Timor, which forces East Timorese to flee their country. However, we take note of this small gesture. We also encourage the Indonesian authorities to show more genuine good will by drastically reducing its military activities in East Timor, offering a cease-fire, releasing all East Timorese prisoners and allowing them to remain in their own native country under conditions of complete security.

We note with satisfaction the visit to Portugal, Indonesia and East Timor of a special envoy of the UN Secretary-General. We are grateful that the special envoy will be making a special visit to Australia for informal consultations with members of the East Timorese community. CNRM reiterates again its willingness to cooperate fully with the Secretary-General in his efforts to negotiate a lasting resolution of the conflict. In this regard, we share the views of the Secretary-General, expressed in his recent report to the UN General Assembly, that an improvement in the human rights situation in East Timor is a sine qua non condition for a resolution of the core of the conflict. We add that the visit of the Secretary-General's special envoy to Indonesia and East Timor offers an opportunity for the Indonesian authorities to put into practice their professed good will by releasing all East Timorese prisoners.

# amnesty international

# EAST TIMOR

## Unfair Political Trial of Xanana Gusmão

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**Xanana Gusmão**, the East Timorese resistance leader, was sentenced to life-imprisonment on 21 May 1993 after a blatantly unfair political trial. The District Court of Dili found him guilty of rebellion and illegal possession of firearms. Amnesty International deplored the outcome but said it came as no surprise since a guilty verdict is a foregone conclusion in political trials in Indonesia and East Timor.

In view of the fact that Indonesia's sovereignty over East Timor has not been recognized by the United Nations, the competence of Indonesian courts to try Xanana Gusmão, and other East Timorese, is open to question. It is especially doubtful whether an East Timorese can legitimately be charged with rebellion against the Government of Indonesia which occupies the territory illegally. Nevertheless, Amnesty International believes that, when such trials do take place, every effort must be made to ensure that they comply fully with international standards of fairness.

Following strong international criticism of its appalling human rights record in East Timor, the Indonesian Government made an unusual effort to make Xanana Gusmão's trial appear both open and fair. Selected foreign journalists, diplomats and some international human rights organizations - not including Amnesty International - were permitted to attend as observers. However, like all political trials in East Timor and Indonesia, this one failed to meet international standards of fairness, or even to comply with Indonesia's own Code of Criminal Procedure.

Even before proceedings began on 1 February, practices highly prejudicial to a fair trial were already evident. After his capture on 20 November 1992, Xanana Gusmão was held in secret military custody for 17 days before the International Committee of the Red Cross (ICRC) representatives were permitted to see him. Apart from being unlawful, this prolonged period of incommunicado detention gave rise to fears that he may have been psychologically or physically ill-treated. Such fears were heightened by the fact that, in violation of both domestic and international standards, he was denied access to a lawyer while under interrogation. There were also doubts about whether he had been free to appoint legal counsel of his choice as required by Indonesian law.

Lawyers from the Indonesian Legal Aid Institute (LBH) were not permitted to visit him, despite having been given power of attorney by his relatives. A defence lawyer was finally appointed on 26 January 1993 just six days before the trial began. The trial itself was also marked by the violation of basic international and domestic standards. Prosecution witnesses, many of whom were themselves political detainees, appear to have been subjected to undue pressure from military authorities, making their testimony unreliable. Some who refused to comply were reportedly subjected to intimidation and sanctions. One witness, Saturnino da Costa Belo, who unexpectedly shouted "Long Live East Timor!" was removed from the court-room, placed in an isolation cell and declared unfit to testify. Fear of official reprisals also ensured that few witnesses could be found to testify for the defence. In some respects, the defence case also appeared to have been inadequately prepared. A further problem was that neither Xanana Gusmão nor many of the witnesses were fluent in Indonesian, the language used in the court, while translation services provided were neither complete nor accurate. Perhaps the most blatant contravention of fair trial standards came in one of the final sessions when Xanana Gusmão was due to read his final defence plea. After he had read two pages of a 29-page statement, the presiding judge ordered him to stop, claiming that his remarks were "irrelevant". Government officials have since repeated the judge's claim that Xanana Gusmão's remarks were "irrelevant". In fact, the statement addressed highly sensitive political issues, such as the question of Indonesia's sovereignty over East Timor. It appears likely that his statement was suppressed in order to prevent Xanana Gusmão from raising publicly such criticial issues[1].

In addition to these procedural concerns, Amnesty International believes that the general political atmosphere within which the trial took place - one of undisguised official hostility to the defendant, and repeated interference in the judicial proceedings by military and executive authorities - made a fair trial virtually impossible.

Since his arrest the organization has been, and remains, seriously concerned for Xanana Gusmão's health and safety. In his suppressed defence statement, Xanana Gusmão stated his intention to go on hunger strike, and there are fears that he may be in poor health as a result of carrying out his intention. There have also been disturbing reports that he has been beaten in recent weeks. The Indonesian Government has issued assurances that he is in good health and is not on hunger strike, but it has not been possible to verify this since neither his family nor the International Committee of the Red Cross (ICRC) have been permitted to visit him since he was taken out of court on 21 May 1993. Amnesty International urges that the ICRC and relatives be given immediate - and thereafter frequent and regular - access to him in detention.

The trial of Xanana Gusmão has justly attracted widespread international attention, but it is hardly unique. With this verdict, Xanana Gusmão joins thousands of political prisoners sentenced in blatantly unfair trials in East Timor and Indonesia since the New Order government of President Suharto came to power in the mid-1960s. Virtually unnoticed by the international community, similar political trials also continue today in the province of Aceh, where government forces have conducted a brutal counter-insurgency campaign since 1989. And despite government claims that the human rights situation in East Timor has improved in the past year, serious violations continue to occur while past violations remain unresolved. Scores of East Timorese arrested for their non-violent pro-independence activities in the past two years remain in custody, some of them not yet charged, others serving sentences up to life imprisonment. Meanwhile, the fate of more than 200 people who "disappeared" after the Santa Cruz Massacre in November 1991 remains unresolved.

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[1] An English translation of Xanana Gusmão's defence plea, which was smuggled out of prison, is included as **Appendix I** of this report.

## 3. ARBITRARY DETENTION AND TORTURE, INCLUDING RAPE[8]

While some detainees are formally charged following their arrest and subsequently tried, the vast majority of people arrested in East Timor are held in arbitrary, unacknowledged detention, frequently incommunicado. The period of detention ranges from a few hours to several months. Most are subjected to physical and psychological abuse before being released without being charged. This pattern of arbitrary detention appears to represent a systematic strategy aimed at silencing real or suspected political opponents of the government and at obtaining political intelligence through coercion and intimidation.

Since July 1992 Amnesty International has learned of the arrest of more than 400 people who have been detained in East Timor either because of their alleged links to pro-independence groups, or because they are relatives or friends of individuals suspected of having such links. The true figure, however, is probably much higher.

All those detained must be considered at serious risk. The use of unacknowledged, arbitrary and often incommunicado detention for interrogation facilitates, even invites torture and other ill-treatment, as a mounting volume of evidence from former detainees makes clear.

[ Victims of torture include men and women, young and old. In an interview with a journalist in April 1993 the head of the Catholic church in East Timor, Bishop Belo, said that political prisoners are tortured by Indonesian troops "*just like two plus two is four*". Methods used take many forms. A former political prisoner described his experience while held in Colmera prison in Dili as follows:]

> *["The first thing they do to a prisoner is to beat him and give him blows to the stomach and the chest; he is blindfolded and electric shocks are given; they hit him with iron rods on the back; they step on his feet with their boots; they give electric shocks; they burn his body with cigarettes including his genitals..."]*

[ Such treatment is not confined to prisons in Dili. A 24-year-old farmer living in Viqueque experienced similar treatment while he was detained in military custody in Baucau during September and October 1992. He was tortured repeatedly over a five day period during which time he was subjected to beatings and had his genitals and various parts of his body burned with cigarettes. One night he was blindfolded and his hands

[8] The names of the victims of torture described here are known to Amnesty International, but are being withheld for their protection.

were tied before he was taken into the jungle and made to climb into a deep pit. A large rock was placed on him and he remained there for over three hours.]

[ Victims of torture in East Timor are frequently women. A 40-year-old widow, and another woman who had recently given birth, were both tortured by members of the military in September 1992 in Baucau. Suspected of giving assistance to a pro-independence group, they were beaten and burned with cigarettes.]

Torture of suspected political opponents has in some cases been so severe that it has resulted in hospitalization or even death. [Two youths, who were among 20 students arrested during a military operation in Baucau district on 24 December 1992, died reportedly as a result of the torture inflicted on them while in detention. **Adelino Gomes Fonseca**, a 27-year-old student from Baucau, was one of them. After being interrogated, he was returned to a room where another of the students was being held. He had been badly beaten, was bleeding and could barely open his eyes because they were so swollen. He was also suffering from severe pains in his chest and was breathing with difficulty. Despite the efforts of his companion to make him as comfortable as possible, Adelino Gomes Fonseca died in the early hours of 25 December 1992.]

[ At least one other youth arrested with Adelino Gomes Fonseca, **Fernando Boavida**, also died apparently as a result of torture. During his interrogation Fernando Boavida is said to have been made to lie on a plank covered with sharp nails. When he failed to give what his interrogators regarded as a satisfactory reply, they put another plank on top of him, and placed a tyre on top of the plank. When Fernando Boavida lost consciousness after a second tyre was added, his captors are reported to have poured water over his body to revive him. He died three days after his arrest, on 27 December 1992.]

Torture and ill-treatment is not only confined to those suspected of political opposition. The relatives of real or suspected political opponents - including young girls and elderly men and women - have also been subjected to torture and ill-treatment, including rape, in an effort to make them provide information about the whereabouts or activities of their relatives, or to force those being sought to give themselves up.

[ One woman and her family faced several days of torture by members of the military in Baucau who were looking for her 22-year-old son whom they suspected of being an active member of a pro-independence group. The woman, a 50-year-old widow from Baucau, was arrested on 8 September 1992 and interrogated about her son's whereabouts. When she denied knowing where he was, she was reportedly stripped naked, beaten and kicked and given electric shocks. Three days after her arrest, one of her nephews and her unmarried sister-in law were called in for questioning. They too

were interrogated about her son's whereabouts and about the pro-independence group to which the military believed he was linked. They were also tortured. The nineteen-year-old nephew was reportedly beaten, kicked and given electric shocks; he was stripped naked and lighted cigarettes were applied to his genitals and his pubic hair was set alight. For two of the six days that he was detained he was denied food. When he cried out with hunger, he was thrown on the floor by soldiers who then trod on his neck. The 26-year-old unmarried woman was reportedly beaten, kicked, stripped naked and tortured with electric shocks, and repeatedly sexually abused by soldiers during her five days in detention.]

[ The three were released several days after their arrest on condition that they try to find two suspects - their relatives - whom the military also wished to question. On 24 September they went to report their efforts to the military. Because the information they provided was deemed "unsatisfactory" the two women were again detained for three days, during which they allege they were beaten and raped. On the third day the 26-year-old woman was taken to a beach by one of the miltiary officers and told to incriminate her sister-in-law as a condition of being released. When she refused to do so, she says she was threatened with death and raped again before being allowed to go home.]

[ A number of other cases of rape have been reported to Amnesty International in the last year. One case involved a 16-year-old schoolgirl from Laleia, Manatuto. In November 1992 she was accused by members of the security forces of being a pro-independence sympathizer. After being interrogated about her activities she was apparently raped and tortured by a member of the local military command.]

[ In Baucau a 25-year-old student of a senior high school from Quelicai, living in Bahu, was apparently raped repeatedly by a military officer whose name is known to Amnesty International following her arrest on 20 December 1992. Subsequently released, the woman is understood to have become pregnant as a result of being raped.]

**Internal banishment**

Amnesty International is deeply concerned about reports of individuals being arrested and subsequently "banished" to various regions of East Timor. As of early 1993 at least 30 people who had previously been detained in police custody in Dili were reported to be detained at remote military posts in Lospalos, Viqueque, Manatuto, Aileu, Ainaro and Same. At least 24 of the 30 were people arrested shortly after the Santa Cruz massacre and Amnesty International believes that they may be prisoners of conscience. [The military initially claimed that they had been released. It was only on 9 March 1992 that the then military commander of East Timor, Brigadier General Theo Syafei, admitted

that they were still under military control, having been assigned to company commanders in order to be *"given guidance, to be educated to become sound Indonesians."*]

[ According to information received by Amnesty International detainees undergoing such "guidance" are obliged to act as labourers and servants of the military and are subjected to various forms of abuse. Visits by family members are apparently allowed and those held at military posts in Aileu and Ainaro were permitted to return home for a visit towards the end of 1992 to spend Christmas with their families. At the beginning of 1993 it was reported that six people being held at a military post in Lospalos were being subjected to particularly harsh treatment.

[ These are not the only cases that Amnesty International is aware of. Seven detainees who were "released" on 27 October 1992 are said to have been banished to Baucau four days later. A number of people who were arrested in Dili following Xanana Gusmão's arrest in November 1992 are also reported to have been banished to various parts of East Timor including Laga, Baucau, Manatuto, Suai, Ainaro, Lospalos and Viqueque. In Ainaro an allegiance swearing ceremony for a number of people detained in the wake of Xanana Gusmão's arrest is similarly said to have been followed by their banishment to Natarbora[9].]

In Amnesty International's view, the widespread use of arbitrary, unacknowledged detention, both in official detention centres and at military posts, makes it vital that the ICRC be granted regular access to all places of detention. It is therefore of very serious concern that the ICRC was obliged to suspend visits to political prisoners in East Timor last month for the third time this year. The reason for this was that the military were placing unacceptable restrictions on the visits, thus making it impossible to monitor the safety and well-being of political detainees in the territory[10]. These restrictions had been imposed despite assurances by the President and the Minister of Foreign Affairs that unrestricted access to prisoners would be granted.

[9] All former detainees are required to sign and swear an oath of loyalty to the government and the Indonesian state ideology, *Pancasila*, as a condition of their release. Allegiance swearing ceremonies are also conducted among the civilian population.

[10] In 1992 the ICRC faced similar obstacles in carrying out its programme to the extent that it was unable to conduct confidential prison visits in East Timor between March and December 1992.

## 4. "DISAPPEARANCES" AND EXTRAJUDICIAL EXECUTIONS

The identity of at least 100 civilians, and possibly as many as 250, killed by government forces in the Santa Cruz massacre and its immediate aftermath remains unresolved. [More than eighteen months after the government-appointed Commission of Inquiry was set up, the government has yet to identify the vast majority of those killed[11].]

The Indonesian Government has also failed to resolve the fate of the more than 200 people who reportedly "disappeared" after the massacre. The official government figure of 66 "disappearances" falls far short of the more than 200 people who remain unaccounted for[12]. [Eyewitnesses and relatives of the "disappeared" believe that many were killed and their corpses buried outside Dili or thrown into the sea. Despite the government's repeated claim that it wants to establish the facts, its failure to do so indicates otherwise.] Amnesty International believes that the Indonesian Government has a responsibility to provide a full account of the truth to the relatives of victims of "disappearance" and to ensure that the results of any investigations are made public.

Amnesty International has received reports of dozens of new "disappearances" in East Timor since the massacre. [Some of the victims were later discovered to have been in incommunicado military or police detention. Others are feared to have been killed and their bodies disposed of in secret. The "disappeared" included **Marcos dos Santos** and **Ercolano Soares**, both residents of Dili, who "disappeared" after being detained by the police on 14 July 1992. According to reports, they were beaten by their captors, then taken to the military hospital in Lahane, after which their whereabouts are unknown. Another victim was **Gaspar Xavier Carlos**, who was arrested in early September together with several friends. He is believed to have been held incommunicado in Colmera Prison in Dili for some time, but subsequently "disappeared". Relatives feared that he has been killed.]

Amnesty International has also received reports of at least 45 extrajudicial executions in the eighteen months since the Santa Cruz massacre. These reports, though difficult to confirm, suggest that unlawful killing by Indonesian forces persists in East

[11] For further details of the massacre and its aftermath see the following Amnesty International reports: *East Timor: The Santa Cruz Massacre*, November 1991 (ASA 21/23/91); *East Timor: After the Massacre*, November 1991 (ASA 21/24/91); *Indonesia/East Timor: Santa Cruz - The Government Response*, February 1992 (ASA 21/03/92); *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992 (ASA 21/07/92); *East Timor: "In Accordance with the Law" Statement before the UN Special Committee on Decolonization*, July 1992 (ASA 21/11/92).

[12] In November 1992 the UN Working Group on Enforced or Involuntary Disappearances submitted to the Indonesian Government the names of 207 people believed to have "disappeared" at the time of the massacre.

Timor. Amnesty International considers that, in view of past practice, such reports warrant immediate investigation.

[ At least two extrajudicial killings are reported to have been carried out by Indonesian forces in the Lospalos region during a period of heightened counter-insurgency activity in the area in mid-1992. A man called **Humberto** was said to have been shot by Indonesian soldiers of Battalion 745 while working in his field in August. According to reports, the soldiers cut off his head and arms and hung them in a tree beside the road to frighten passers by. One month previously **Jose Valente**, a pro-independence activist, was also reported to have been killed by soldiers of Battalion 511 while collecting wood from a village.]

[ More recently **Carlos**, a 30-year-old farmer from Dili, was reportedly killed by members of the security forces in April 1993. Two different accounts of his death have emerged. According to a report in the 15 April edition of the *Jakarta Post*, Carlos died as a result of being beaten by a village headman and two police officers after he was arrested following a family dispute. Another report, however, alleges that Carlos was arrested by members of 507 Battalion at 10am on 10 April, and that they killed him in the early hours of the following morning and dumped his body in front of the Chinese cemetery in Dili. In early May, Amnesty International sought clarification from the police authorities in East Timor concerning the exact circumstances of the killing of Carlos, but has to date received no reply.]

We have also been disturbed by reports that a vigilante group, closely linked to Indonesian Government forces, has been operating in East Timor as recently as March 1993. The members of the group are known as *Ninjas*. [In mid-March 1993 three students from Dili, 21-year-olds **Paulo Jeronimo** and **Roberto Belo** and 22-year-old **Jose Antonio**, are reported to have been killed on their way home by *Ninjas*.]

# WASHINGTON POST

**93/07/09**

## *Indonesia and Human Rights*

FIRST BILL CLINTON, reversing Reagan-Bush policy, joined a tough resolution in the United Nations criticizing Indonesia on human rights. Then, at the G-7 summit this week, President Clinton used a meeting that Indonesian President Suharto had requested to talk about development to talk about rights violations in East Timor as well. These are modest but necessary steps to hold Indonesia to account for its theft of East Timor's independence. President Suharto grabbed the territory just as it was breaking out of a disappearing Portuguese empire in 1975 and has been repressing a popular nationalist movement since. Most recently Indonesia gave a life sentence to the captured leader of the Timorese resistance after a trial that Lisbon denounced as farcical and illegitimate. "The Jakarta government should be the one to be tried for what it has done in East Timor," an official statement said.

The Indonesian authorities are not pleased to be rebuked for a colonial policy in East Timor. As a market of 185 million people, as the largest Muslim state and as a "moderate" leader in development, Third World politics and regional affairs, Indonesia ordinarily evades the heavy criticism this part of its policy deserves. President Suharto has profited substantially from Western favor, including American favor, since his accession in 1965 in the wake of a massive slaughter of local Communists.

A raw colonial impulse is usually given as the source of Indonesia's intent to keep East Timor down. It may also matter that this archipelago of ethnically diverse islands is wary of setting a precedent for other separatist movements. But neither Indonesia's imperial pride nor its political convenience requires the 600,000 remaining East Timorese to forfeit their U.N.-endorsed right of self-determination. No doubt Indonesia can carry the international costs of holding on to East Timor, even if the Clinton administration adds to them. But why would a nation aspiring to modernization and a major Pacific role want to burden itself so? President Suharto could leave his country a rich legacy by accepting the process for Timorese self-determination that the U.N. stands ready to arrange.

# NEW YORK TIMES

**93/11/01**

## A Different Message to Jakarta

The plight of East Timor has nagged at American consciences since 1975, when Indonesia devoured this former Portuguese colony. The United States has never recognized Jakarta's annexation of its tiny neighbor, but until recently Washington was loath to offend a powerful authoritarian regime that was an important customer for U.S. arms.

Creditably, the Clinton Administration is making amends, spurred by an international outcry over the mass killings of unarmed East Timorese protesters in November 1991. Earlier this year, the U.S. for the first time joined in favoring a United Nations inquiry into Indonesia's human rights abuses. Now, with Administration support, the Senate Foreign Relations Committee has unanimously approved an amendment to condition the sale and transfer of U.S. arms to Indonesia on improvement in human rights conditions in East Timor.

The amendment, put forward by Senator Russell Feingold of Wisconsin, would require the President to weigh, in consultation with Congress, Indonesia's compliance with specific steps, like providing access by humanitarian groups to East Timor and accounting for the victims of the 1991 massacre. The need for access is underscored by credible reports of yet another crackdown in the territory.

Adopting these conditions would not affect nonmilitary trade with Indonesia, but would address for the first time the continued abuse by an occupying nation of an unwilling people. It would begin to redress the inconsistency between Washington's vigorous punishment of Iraq's annexation of Kuwait and its past indifference to Indonesia's comparable aggression.

And if Jakarta fails to understand the changed American mood, President Clinton will have a chance to amplify at the Asia Pacific Economic Conference in Seattle later this month.